

IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF ARKANSAS  
JONESBORO DIVISION

BRANDY WILSON

PLAINTIFF

vs.

Civil Case No. 3:05CV00187 HLJ

MICHAEL J. ASTRUE,  
Commissioner, Social  
Security Administration

DEFENDANT

ORDER

Plaintiff has filed a motion for attorney's fees and expenses pursuant to the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412(d). She seeks compensation for 10.90 hours of work performed by her attorney before the District Court in 2005 at the rate of \$156.00 per hour, .75 hour of work performed by her attorney in 2006 and 2007 at the rate of \$162.00 per hour and 3.95 hours of work by a paralegal at the rate of \$75.00 per hour. She also seeks reimbursement for expenses in the amount of \$13.95. The Commissioner does not object to the number of hours, the hourly rates submitted by Plaintiff or the requested expenses.

The maximum statutory rate of compensation for work performed by an attorney set forth in § 2412(d)(2)(A)(ii) is \$125.00 per hour. The increased rates requested by Plaintiff reflect an agreement between Plaintiff's counsel and the Office of the General Counsel of the Social Security Administration (Plaintiff's Exhibit A) to calculate attorneys' fees on an annualized basis, using the Consumer Price Index for All Urban Consumers (CPI-U).

Plaintiff has also requested an increase in the hourly rate

for paralegals. Normally the court awards \$65.00 per hour for work performed by a paralegal. Plaintiff argues the hourly rate should be \$75.00 per hour based on the prevailing market rate, and she has submitted supporting affidavits. The Secretary does not object to this request and the court presumes this increase is also part of the agreement between Plaintiff's counsel and the Office of the General Counsel. Accordingly, the court approves an award of fees in the amount of \$1456.65 and expenses in the amount of \$13.95.

IT IS THEREFORE ORDERED that Plaintiff is awarded attorney's fees and expenses in the amount of \$2088.15 pursuant to EAJA. The Commissioner is directed to certify said award and pay Plaintiff's attorney this amount.

SO ORDERED this 9th day of October, 2007.

  
United States Magistrate Judge